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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,485	03/17/2006	Yoshihiko Minachi	81864.0065	2276
26/021 7590 12/16/2008 HOGAN & HARTSON LLP. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			EXAMINER CHAU, LINDA N	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 12/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,485

Applicant(s)

MINACHI ET AL.

Examiner

LINDA CHAU

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 6/9/05; 6/12/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, it is unclear of what part of the element of the equation of the "molar ratio" is taken account. For this examination, the examiner is interpreting it as the molar ratio of a W phase, as disclose in the specification.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kijima et al. (JP 02-180004; herein referred to under the English translation PTO 09-1223).

Regarding claims 1, 3-6, 9-10, and 14-17, Kijima teaches a ferrite magnet powder have a composition of $\text{MeFe}^{2+}_{2+x}\text{Fe}^{3+}_{16-x}\text{O}_{27}$, wherein M is consisting of Ba, Sr, and Pb, and $x = +0.05$ to -0.10 . Further, Kijima discloses that Zn is added to the compound such that zinc is 1.0-10mol% of Fe^{2+} (claim 1). Kijima doesn't explicitly disclose that Zn is in a form $\text{Zn}_{(\text{ax})}$ described by the limitation. However, on the one hand, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the range of zinc as described by the applicant based upon the mole percentages. In light of the amount of Zn disclosed by Kijima, it would have been obvious to one of ordinary skill in the art at the time of the invention to use amounts of Zn and Fe^{2+} , including those presently claimed, in order to produce stabilized W phase that does not deteriorate (pg. 7). On the other hand, given that Kijima discloses ferrite magnet powder with similar properties and functions, as presently claimed, it is clear that the composition of zinc would inherently be in the range claimed by the applicant. Furthermore, Kijima also teaches a resin phase that disperses and retains the ferrite magnetic powder (claim 2). Further, Kijima uses the magnetic powders in plastic magnets or bonded magnets and teaches that it known in the art to incorporate the ferrite magnet powder in sintered magnets (pg. 3). However, Kijima further emphasizes that plastic magnets have various advantages over sintered magnets (pg. 3-4).

Regarding claim 2, Kijima teaches that the powder is characterized in a W-type ferrite phase (pg. 7).

Regarding claim 10, Kijima doesn't specifically teach that the molar ratio is of 50% of the W phase. However in the instant specification, the applicant discloses the molar ratio of 50% is achieved is when the W phase is a single main phase (pg. 10). Kijima teaches a W-type ferrite single phase is achieved by maintaining a specific oxygen partial pressure range (pg. 8, second paragraph). Therefore, it is inherent that Kijima magnetic has a molar ratio of 50% as presently claimed. Further, Kijima teaches that the hexagonal ferrites (pg. 9, line 2), comprises elements of Sr, Ba, and Pb (pg. 6, line 5), Fe^{2+} , and Fe^{3+} (pg. 6, line 10). Further, Kijima teaches that the Fe^{2+} site of the W-type ferrite is partially substituted with zinc (pg. 7, lines 15-22).

Regarding claim 7-8 and 11-13, given that Kijima disclose magnetic powder or magnet as presently claimed, it is clear that the magnetic powder would inherently or intrinsically possess saturation magnetization as presently claimed while the magnet would inherently or intrinsically possess saturation magnetization, squareness, and residual magnetic flux density as presently claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7-8, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kijima et al. (JP 02-180004; herein referred to under the English translation PTO 09-1223) and further in view of Toyota (US 5,866,028).

Regarding claim 7, Kijima teaches a magnet powder as set forth above, however, doesn't teach that the ferrite magnet powder has a saturation magnetization of 5.0 kG or more. Toyota teaches a W-type ferrite magnet (Abstract) having a saturation magnetization of 5.0 kG (col. 7, line 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have Kijima magnet to be of 5.0 kG of saturation magnetization in order to fabricate stronger ferromagnetism (col. 1, lines 46-47).

Regarding claims 8 and 11, Kijima teaches a magnetic powder as set forth above. Toyota teaches a W-type ferrite magnet (Abstract) having a saturation magnetization of 5.0 kG (col. 7, line 65) but doesn't teach a saturation magnetization of 5.1 kG or more. It would have been obvious to one of ordinary skill in the art at the time of the invention to optimize Toyota's magnetization to 5.1 kG in Kijima's magnet, since Toyota teaches that having a larger degree of magnetization will have a much stronger ferromagnetism (col. 1, lines 39-47).

Regarding claim 13, Toyota teaches a saturation magnetization of 5.0 kG and a residual magnetic flux density of 4.8 kG (col. 7, line 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have Kijima magnet to be of 5.0 kG of saturation magnetization in order to fabricate stronger ferromagnetism (col. 1, lines 46-47). Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Kijima's magnet to be of 4.2 kG in residual magnetic flux density as taught by Toyota in order to achieve excellent magnetic property (col. 2, lines 4-11).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kijima et al. (JP 02-180004; herein referred to under the English translation PTO 09-1223), in view of Toyota (US 5,866,028), and further in view of Taguchi et al. (US 6,258,290).

Regarding claim 12, Kijima teaches a magnet powder as set forth above but doesn't teach a saturation magnetization of 5.0 kG or more and a squareness of 80% or more. Toyota teaches a W-type ferrite magnet (Abstract) having a saturation magnetization of 5.0 kG (col. 7, line 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have Kijima magnet to be of 5.0 kG of saturation magnetization in order to fabricate stronger ferromagnetism (col. 1, lines 46-47). Further, Taguchi teaches a magnet powder of having a squareness of more than 80% (Table 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to have Kijima's magnet be of 80% in squareness, since Taguchi teaches that it will provide excellence in demagnetization (col. 33, lines 52-53).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kijima et al. (JP 02-180004; herein referred to under the English translation PTO 09-1223) and further in view of Taguchi et al. (US 6,258,290).

Regarding claim 18, Kijima teaches a magnet powder as set forth above in claim 1 but Kijima doesn't teach that the ferrite magnet powder may be used in a magnetic layer of a magnetic recording medium. Taguchi teaches a hexagonal magnet ferrite powder is used in a magnetic layer over a substrate (col. 9, lines 44-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to have Kijima's magnet powder to be used in a magnetic layer as taught by Taguchi in order to have multiple usages of the magnet powders.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kijima et al. (JP 02-180004; herein referred to under the English translation PTO 09-1223), in view of Taguchi et al. (US 6,258,290), and further in view of Toyota (US 5,866,028).

Regarding claim 19-20, Kijima in view of Taguchi teaches a magnetic recording medium as set forth above but doesn't teach a saturation magnetization of 5.2 kG. Toyota teaches a residual magnetic density is of 4.8 kG and a saturation magnetization of 5.0 kG but doesn't explicitly teach a saturation magnetization can be of 5.2 kG or more (col. 7, line 65). However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize Toyota's magnetization to 5.2 kG in the recording medium, since Toyota teaches that having a larger degree of magnetization will have a much stronger ferromagnetism which will be optimal in a magnetic recording medium (col. 1, lines 39-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDA CHAU whose telephone number is (571)270-5835. The examiner can normally be reached on Monday-Thursday, 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Linda Chau/

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794